

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ALABAMA**

In re:	:	Case No. 18-02672-hac-13
	:	
Darrin & Zandra Williams	:	Judge Henry A. Callaway
	:	
	:	Chapter 13
Debtors	:	
	:	

**Motion to Modify Confirmed Ch 13 Plan**

Now come the Debtors, by and through undersigned counsel, and respectfully move this Honorable Court pursuant to 11 U.S.C. Section 1329 for an Order to Amend the Confirmed Chapter 13 Plan as follows:

1. Par 1: lower Plan payment to \$301.00 per month;
2. Par 5: delete One Main Financial
3. Par 10: add One Main Financial (2010 Hyundai Sonata): surrender

Under 11 U.S.C.S. §§ 1329 and 502(j), debtors could modify confirmed plan to surrender collateral and reclassify the remaining deficiency as an unsecured claim upon satisfaction of the requirements for modification. Evidentiary hearing was required to determine if modification was proposed in good faith. In re Scarver 555 B.R. 822 ( Ala. M.D. 2016) In the present case, the Debtors' 2010 Hyundai Sonata has become inoperable. The vehicle was pledged as security for a loan with One Main Financial. The Debtors by this motion propose a post confirmation amendment to the plan to surrender the aforesaid vehicle and change the legal status of the claim of One Main to that of a general unsecured creditor. It is submitted that the current

condition (inoperable) and age ( just under 10 years ) of the vehicle support the proposition that the aforementioned Plan modification is proposed in good faith. Debtor Darrin Williams is disabled, and Debtor Zandra Williams is earning only \$840.00 bi-weekly from her employment. The Debtors will be consolidating to one (1) vehicle.

WHEREFORE, it is respectfully requested that this motion be granted, and Chapter 13 Plan be amended as stated herein.

Respectfully submitted,

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Attorney for Debtors

**CERTIFICATE OF SERVICE**

A copy of the foregoing was sent by email and by ordinary U.S. Mail where indicated, on October 12, 2019 to

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